

****NOT FOR PRINTED PUBLICATION****

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATED OF AMERICA §
§
§ **CASE NUMBER 9:17-CR-16-2-RC**
v.
§
§
§
§
DIEGO HERNANDEZ §

**ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE ON DEFENDANT'S MOTION FOR RELEASE**

The court referred Defendant's *Motion for Compassionate Release from Custody* (Doc. No. 138) to United States Magistrate Judge Zack Hawthorn for consideration pursuant to applicable laws and orders of this court. The Government filed a response arguing against the Defendant's release (Doc. No. 141).

After review and consideration of Hernandez's motion, Judge Hawthorn issued a Report and Recommendation on May 26, 2021, denying Hernandez's motion because he failed to show that he has exhausted his administrative remedies, and he does not meet the criteria for compassionate release. (Doc. No. 142.) No objections have been filed to the Report and Recommendation. Accordingly, the court ACCEPTS Judge Hawthorn's Report and Recommendation (Doc. No. 142) and DENIES the Defendant's motion (Doc. No. 138).

So ORDERED and SIGNED, Jun 22, 2021.



Ron Clark
Senior Judge